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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,705	08/12/2003	Alianna J. Maren	71903.00700UTL	1704

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EXAMINER
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PHAM, KHANH B

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,705	<b>Applicant(s)</b> MAREN ET AL.	
	<b>Examiner</b> Khanh B. Pham	<b>Art Unit</b> 2166	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to..
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 15, 2006 has been entered. Claims 39-67 are pending in this Office Action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 39-67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the remarks section on page 6, applicant states that the newly added claims 39-67 are supported by the specification at least at ¶¶18-20 and 32-34. However most claimed limitations are not described in the specification. For example, the specification does not describe the steps of appending, selecting, generating, calculating as recited in independent claim 39.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 39-67** are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmermann et al. (US 6,678,694 B1), hereinafter "**Zimmermann**".

**As per claim 39**, Zimmermann teaches a method for performing knowledge discovery comprising:

- "appending to each member of a data corpus one or more metatags, wherein said step of appending comprises the step of executing a ranking function" at Col. 3 lines 20-40;
- "selecting a subset of members from said data corpus whose appended metatags are a match to set of criteria" at Col. 3 lines 35-40;
- "generating a set of pairwise associations between elements of said subset of members" at Col. 3 lines 50-60;

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- “calculating a value, for each pairwise association, representative of the number of time each respective pairwise association occurs across said subset of members” at Col. 8 lines 40-60;
- “generating retrospective metatagging based on one or more of said set of pairwise associations, wherein said step of generating retrospective metatagging comprises the step of modifying said ranking function” at Col. 6 lines 57-67 and Col. 14 lines 30-67.

**As per claim 40**, Zimmermann teaches the method of claim 39, wherein “said one or more metatags describe content of a respective member of said data corpus” at Col. 3 lines 20-40.

**As per claim 41**, Zimmermann teaches the method of claim 39, wherein “said one or more metatags represent one or more concept class contained in a respective member of said data corpus” at Col. 3 lines 20-40.

**As per claim 42**, Zimmermann teaches the method of claim 41, wherein “said one or more concept classes are inferred through the presence of one or more feature vectors in one or more respective members of said data corpus” at Col. 14 lines 30-65.

**As per claim 43**, Zimmermann teaches the method of claim 39, wherein “said set of criteria are selected by a user” at Col. 4 lines 25-35.

**As per claim 44**, Zimmermann teaches the method of claim 39, wherein "said pairwise associations are pairwise association between concepts" at Col. 8 lines 20-60.

**As per claim 45**, Zimmermann teaches the method of claim 39, wherein "said elements are nouns and/or noun phrases" at Col. 17 lines 40-50.

**As per claim 46**, Zimmermann teaches the method of claim 39, further comprising: "identifying pairwise associations having a respective said value reaching a predetermined threshold" at Col.14 lines 30-40.

**As per claim 47**, Zimmermann teaches the method of claim 39, further comprising: "selecting a second subset of members from said data corpus whose retrospective metatags are a match to said set of criteria; generating a second set of pairwise association between elements of said second subset of members; and calculating a second value, for each pairwise association, representative of the number of times that each respective pairwise association occurs across said second subset of member" at Figs. 7-9;

**As per claim 48**, Zimmermann teaches the method of claim 47, further comprises "modifying said set of criteria" at Col. 4 lines 25-35.

**As per claim 49**, Zimmermann teaches the method of claim 47, wherein "said elements are nouns and/or noun phrases and further comprising the step of identifying

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pairwise associations having a respective said second value reaching a predetermined threshold” at Col. 14 lines 30-40.

**As per claim 50**, Zimmermann teaches the method of claim 49, further comprising “extracting elements of said second subset of members associated with said identified pairwise association having a respective said second value reaching said predetermined threshold” at Col 14 lines 30-40.

**As per claim 51**, Zimmermann teaches a method for performing knowledge discovery comprising:

- “determining a first degree of correlation among a data corpus” at Col. 4 line 59 to Col. 5 line 13;
- “indexing member of said data corpus with metatags according to a metatagging scheme, wherein said metatagging scheme employs a first level of knowledge representation for said first degree of correlation” at Col. 4 line 59 to Col. 5 line 13; and
- “employs at least a second level of knowledge representation for a second degree of correlation among data, wherein said first and second levels of knowledge representation are representative of different degrees of correlation among data” at Col. 6 lines 45-65;
- “determining said second degree of correlation among a subset of said data corpus” at Col. 8 lines 20-60;



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- “reindexing said members of said data corpus with metatags according to said metatagging scheme based on said determined second degree of correlation” at Col. 11 line 60 to Col. 12 line 55.

**Claims 52-67** recite similar limitations as discussed in the rejection of claims 39-51 above and are therefore rejected by the same reasons.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 39-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (571) 272-3574 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham  
Primary Examiner  
Art Unit 2166

March 2, 2007

A handwritten signature in black ink, appearing to read 'Kpham', with a long horizontal flourish extending to the right.